

## REMARKS

Claims 1-10 and 12-23 are allowed. Applicants appreciate the allowance of claim 1-10 and 12-23. Accordingly, claims 1-23 are pending in the present application.

In the Office Action, the claim 11 was rejected for allegedly being anticipated by U.S. Patent No. 6,963,918 B1, Leung (hereinafter *Leung*). Applicants respectfully traverse this rejection.

An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. Claim 11, among other things, calls for a method of transmitting a packet in a wireless network comprising determining a predetermined policy and selectively causing a node to assume a role of a home network based on the predetermined policy for a mobile station (MS). *Leung*, on the other hand, optionally obtains an IP address associated with a destination from an H.323 gateway 218 on the node's home IP data network 222 for the Foreign agent 204. See *Leung* on Col. 5, lines 9-13. In other words, *Leung* enables a mechanism for discovery of a local H.323 gateway located on a foreign network for a node that is roaming to send packets via a shortened route. See *Leung* on Col. 6, lines 57-61. This mechanism of discovery is distinct from a predetermined policy. *Leung* is silent with regard to any policy, predetermined or not. The Examiner relies on the care-of address for overcoming this deficiency. However, the care-of address is only related to the packet routing from the node instead. Based on the above-indicated legal standard, it is respectfully submitted that *Leung* fails to anticipate claim 11 since *Leung* discovers a local gateway instead of determining a predetermined policy. Thus, claim 11 is in condition for allowance, which is respectfully requested of the Examiner.

With regard to independent claim 11, Applicants describe and claim, among other things, determining a predetermined policy for at least one of a user and a session associated with a packet and selectively causing a node, such as a Packet Data Service Node (PDSN), to assume a role of a home network for a mobile station (MS) based on the predetermined policy. When the node assumes the role of the home network, the node receives one or more response packets from a service provider server without intervention from the home network. To determine how to handle a user's packets, the node may access a policy server. The policy server may be set to apply a proxy setting. For example, the predetermined policy may be obtained from the policy server to identify packets that are to be processed in accordance with the Standard and for transmission along the tunnel from the Home Agent. However, the packets that are to be processed according to a proxy mode, are therefore, not transmitted along the tunnel from the Home Agent. See, Applicant's specification, on page 8, lines 24-28 and Figure 3.

Likewise, the transmission route of packets of a specific session is determined by a predetermined policy. In one instance, the transmission route defined for the packets of a session will be as described in the Standards where packets from a mobile station that is connected to a Foreign Agent are routed to their destinations and responses are sent to the Home Agent first and then tunneled to the PDSN/Foreign Agent. In another instance, the transmission route defined for the packets of a session will be as described herein and will not be as defined in the Standards. In this instance, the PDSN assumes a proxy role where it receives the response directly without any intervention on the part of the Home Agent. See, for example, Applicant's specification, on page 9, line 22.

In other words, a packet may be treated in one of at least two different ways. One treatment calls for following a Standard, such as the mobile IP standards. The other treatment calls for reverting to a proxy mode, *e.g.*, a default role in case of a particular service. See, for example, Applicant's specification, on page 8, lines 9-13.

The Examiner relies upon the *Leung* reference to teach the above set-forth features of independent claim 11. The Applicants respectfully submit that *Leung* fails to teach one or more features set forth above in claim 11. Accordingly, the Applicants disagree with the Examiner's rejection.

*Leung* discloses that, typically, a node such as a mobile node obtains an IP address associated with a destination from an H.323 gateway 218 on the node's home IP data network 222. *Leung* enables a local H.323 gateway 226 to be discovered by the mobile node 210 initiating the call. By using a local H.323 gateway rather than an H.323 gateway on the home network when possible, the routing path is minimized. In this manner a Foreign Agent that supports Mobile IP is located on a foreign network and configured to enable a node visiting the Foreign Agent to send IP packets including voice information via an IP address obtained from an H.323 gateway instead of receiving the packet from a mobile station at a node for routing the received packet to a service provider server, as claimed in claim 11.

In *Leung*, the mobile node registers with its Home Agent via a care-of address associated with the Foreign Agent at block 702. That is, in the packet routing of the opposite direction than set forth in claim 11, the Foreign Agent identified by the care-of address forwards the packet to the mobile node, as shown in *Leung*, at block 712. However, when a packet is received from the

node, where the packet is addressed to the H.323 gateway and requests an IP address associated with a destination, an IP packet including voice information may be sent including the requested IP address. An IP packet addressed to the IP address and including voice information is forwarded to the node. The IP packet addressed to the IP address and including voice information may then be received from the node.

While the method shown in *Leung* and described with reference to FIG. 5 enables IP data packets to be received by a roaming node, FIG. 6 illustrates an optimum process flow diagram illustrating a return data flow path to the node that is optimized. A corresponding node with which the mobile node is communicating (e.g., PSTN gateway or other device) is notified of the care-of address of the mobile node at block **602**. Each PSTN gateway preferably supports Mobile IP so that it may receive a mobile IP packet including the current care-of address of the mobile node. The corresponding node then tunnels IP data packets to the care-of address at block **604**. The Foreign Agent identified by the care-of address then forwards the IP data packets to the mobile node at block **606**. In this way, corresponding node may correspond directly with the Foreign Agent. However, when the IP address cannot be obtained from the local H.323 gateway 226, the IP address may be obtained from the H.323 gateway 218 on the home IP data network 222.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Leung and request that the Examiner's rejection of claim 11 under 35 U.S.C. §102(e) be withdrawn. None of the cited references, considered either alone or in combination, teach or suggest all of the claimed features of independent claim 11. Therefore, claim 11 is also in condition for allowance, which is respectfully requested of the Examiner.

Consequently, Applicants respectfully request immediate reconsideration and allowance of their pending claims in the present application. Applicants also believe that a full and complete response has been made to the Office Action. The Examiner is respectfully requested to consider all the pending claims.

In view of these remarks, the application is now in condition for allowance and Examiners prompt action in accordance therewith is respectfully requested. If for any reason Examiner finds the application other than in condition for allowance, Examiner is respectfully requested to call the undersigned at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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AGENT FOR APPLICANT(S)

**IN THE DRAWINGS**

Applicants acknowledge that the Examiner accepted the drawings filed on April 24, 2001.